



## MTTC

### Sexual Harassment Policy

**The aim of this policy** is to put measures and procedures in place to ~~respect and protect the rights of learners~~ against unwanted conduct of a sexual nature, particularly their ~~rights to safety, personal security, bodily integrity, equal treatment and freedom from discrimination.~~

#### Definitions

**~~Child abuse~~** means ~~any action or inaction which is detrimental to the physical, emotional and developmental well-being of the child. It includes neglect, emotional abuse, physical abuse, sexual harassment and sexual abuse.~~

**~~Complainant~~** means ~~a learner who has lodged a complaint of child abuse, stalking, intimidation or sexual harassment.~~

**~~Dating partner:~~** ~~any person, regardless of sex or gender identity, involved in a relationship with another person, where the relationship is primarily characterized by social contact of a sexual or romantic nature, whether casual, serious, short-term or long-term.~~

**~~Dating violence:~~** ~~the use of abusive behaviours by a person to harm, threaten, intimidate or control a current or former dating partner.~~

**~~Dating violence~~** includes but is not limited to:

- ~~Physical abuse: any intentional unwanted contact with the complainant's body by either the offender or an object within the offender's control, regardless of whether such contact causes pain or injuries to the complainant.~~
- ~~Emotional abuse: the intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, or unwanted other verbal or nonverbal conduct.~~

- ~~Sexual abuse: any sexual behaviour or contact by the offender that is unwanted by the complainant and interferes with the complainant's ability to consent to or control the circumstances of sexual behaviour.~~

**Documentation** includes the following:

- ~~Notes or letters from parents;~~
- ~~Medical certificates from medical practitioners;~~
- ~~Notes and letters from the learner;~~
- ~~Any other form of information or evidence that could be used to verify the complaint.~~

**Emotional Abuse** means ~~a pattern of degrading or humiliating conduct towards a complainant which may include:~~

- ~~Repeated insults, ridicule or name-calling;~~
- ~~Repeated threats to cause emotional pain;~~
- ~~Repeated exhibition of obsessive possessiveness or jealousy which is such as to constitute a serious invasion of a complainant's privacy, integrity and security.~~

**Intimidation** means ~~uttering or conveying a verbal or non-verbal threat, or causing a complainant to receive a threat, which induces fear.~~

It includes:

- ~~threats to cause emotional pain, and~~
- ~~exhibition of obsessive possessiveness or jealousy which is such as to constitute a serious invasion of a complainant's privacy, integrity and security.~~

**Offender** means ~~the individual against whom a complaint has been laid.~~

**Parent** means ~~the biological, adoptive, foster or step-parent or the guardian or person legally entitled to custody of a pupil, including the learner's primary caregiver.~~

**Physical Abuse** means ~~any act or threatened act of physical violence which may cause injury or even death to a learner.~~

**Sexual Abuse** means ~~any unlawful physical act of a sexual nature and includes indecent assault, sexual harassment, attempted rape and rape.~~

**Sexual Harassment** is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention becomes sexual harassment if:

- the behaviour is persisted in, although a single incident of harassment can constitute sexual harassment;
- the recipient has made it clear that the behaviour is considered offensive;
- the perpetrator should have known that the behaviour is regarded as unacceptable.

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and is not limited to the examples listed below:

a. Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape.

b. Verbal forms of sexual harassment include:

unwelcome innuendoes, suggestions, comments, advances, phone calls or SMS's of a sexual nature;

- sex-related jokes and insults;
- unwelcome comments about a person's body made in a person's presence and directed towards that person;
- unwelcome and inappropriate enquiries about a person's sex life;
- and unwelcome whistling or suggestive sounds directed at a person or group of persons.

c. Non-verbal forms of sexual harassment include:

- unwelcome gestures and indecent exposure;
- the unwelcome display of sexually explicit objects or publications (pictures and printed text);
- the sending of letters, SMS's or emails containing remarks with sexual connotations.

d. Sexual blackmail occurs when a member of staff or another learner influences or attempts to influence a learner's academic results

e. Stalking means repeatedly following, pursuing the complainant.

## **REPRISAL**

Retaliation against any individual who complains of sexual harassment is strictly forbidden by the centre, and anyone who practices such retaliation will be subject to immediate discipline, up to and including discharge or expulsion.

## **NON-HARASSMENT**

The centre recognizes that not every advance or comment of a sexual nature constitutes harassment. Whether an action or incident constitutes sexual harassment or not requires an objective determination based upon all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties, are prohibited by the [schoolcentre](#), and can be cause for disciplinary action up to and including discharge or expulsion.

## **PROCEDURE**

The centre recognizes sexual harassment as a serious offence.

The following disciplinary actions will be taken by MTTC:

- Disciplinary hearing up to and including suspension or expulsion.
- The above actions will be at the discretion of the Principal or his/her appointed agent.